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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,278	03/15/2001	Robert Skvorecz	4336	9274
1109	7590	08/30/2005	EXAMINER	
ANDERSON, KILL & OLICK, P.C. 1251 AVENUE OF THE AMERICAS NEW YORK,, NY 10020-1182			ART UNIT	PAPER NUMBER

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

09/772,278

Applicant(s)

SKVORECZ, ROBERT

Examiner

Tan Le

Art Unit

3632

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on July 21, 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.




ANITA KING
PRIMARY EXAMINER

Continuation of 10. Other (including any explanation in support of the above items): 1) Appellant's items are not under proper headings. For example: (a) the heading "summary of Invention" must be changed to "Summary of claimed subject matter"; (b) the headings "Statement of Issues" and "Grouping of claims" must be replaced by "Grounds of rejection to be reviewed on appeal" and (c) The Brief must contain the following items "Evidence appendix" (Copies of any evidence entered and relied upon in the appeal) and "Related proceedings appendix" (Copies of decisions rendered by a court or the Board in any proceeding identified in the related appeals and interferences section. If none, indicate None).

2) Appellant's status of claims has provided no identification of the appealed claims.

3) Appellant's summary of claimed subject matter has no concise explanation of the subject matter defined in each of the independent claims involved in the appeal and has not referred to the specification by page and specific line number.

4) Appellant's argument has provided no separate heading for each ground of rejection.

5) Appellant's appendix must be presented under "claims appendix".

The above are a few typical errors that examiner is attempted to point out to be correct before the Board of Patent Appeal. Applicant is respectfully urged to fully comply with the new rules of practice before the board of Patent Appeals and interferences effective September 13, 2004 in 1286 OG 21 and 69 Fed. Reg. 49959 (August 12, 2004).

The petition filed (May 9, 2005) with Director of Group 3600 has been denied.